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November 17, 2023

VIA ECF

Hon. Charles R. Breyer
United States District Court
Northern District of California

RE: *In re: Uber Technologies, Inc. Passenger Sexual Assault Litigation*, Case No. 3:23-md-03084-CRB

Your Honor:

Pursuant Pretrial Order No. 3, I am submitting this application for appointment as Co-Lead Counsel in MDL 3084. With the full support and resources of Pulaski Kherkher, PLLC I can contribute experience critical to leadership in this MDL. I have litigated against Uber for more than four years and have tried ten (10) Final Arbitration Trials against Uber representing Uber Drivers who claim they are employees. Importantly, in 2023 I obtained the first Final Arbitration Award in California against Uber where an Arbitrator found the Uber Driver to be an employee of Uber. Our litigation efforts against Uber have resulted in the discovery of thousands of pages of documents, knowledge of Uber's systems and processes, and more than 100 testimony hours of Uber Corporate Representatives, employees, and witnesses. Additionally, Pulaski Kherkher represents hundreds of Rideshare clients alleging sexual assault and sexual misconduct against Drivers who access Uber Technologies, Inc.'s driver platform.

I believe my knowledge, experience, and discovery obtained from Uber is unique amongst the applicants for leadership. This knowledge and experience pertaining to Uber, along with my experience in MDLs / consolidated actions, and my history of working cooperatively with the attorneys in this litigation will assist in the efficient litigation of the claims in MDL 3084.

Included here, please find an up-to-date Resume attached as Exhibit A. In accordance with Pretrial Order No. 3, the undersigned asks this Court to consider the following criteria when reviewing this application:

1. Professional Experience in this type of litigation, including MDL experience as lead or liaison counsel or service on any plaintiffs' committees or subcommittees and related Judges:

Below are the MDLs, consolidated actions, and experience gained by Bret Stanley in this type of litigation:

- *In Re Option Vena Cava Filter Litigation*, Philadelphia PA – Plaintiffs' Executive Committee; Honorable Michael E. Erdos Court of Common Pleas of Philadelphia County, 532A City Hall Philadelphia, PA 19107, Ph: 215-686-3731
- *In Re: Farxiga Fournier's Gangrene Products Liability Litigation*, Delaware State Court MDL– Plaintiffs' Executive Committee, Honorable Sheldon K. Rennie, 500 North King Street, Wilmington, DE 19801, Ph: (302) 255-0800
- *In Re: Jardiance Fournier's Gangrene Products Liability Litigation*, Connecticut State Court MDL– Plaintiffs' Executive Committee, Honorable Sheila A. Ozalis, Complex Litigation Docket, 123 Hoyt Street, Stamford, CT 06905, PH: 203-965-5315.

- *In Re Boston Scientific Corp., Pelvic Repair System Products Liability Litigation*, MDL No. 2326, Honorable Joseph R. Goodwin, 6610 Robert C. Byrd United States Courthouse, 300 Virginia Street East, Charleston, WV 25301, 304-347-3192
- *In Re Coloplast Corp., Pelvic Repair System Products Liability Litigation*, MDL No. 2387, Honorable Joseph R. Goodwin, 6610 Robert C. Byrd United States Courthouse, 300 Virginia Street East, Charleston, WV 25301, 304-347-3192
- *In Re: Zantac (Ranitidine) Products Liability Litigation*, MDL No. 2924, Deposition Committee, Discovery Committee, Judge Robin L. Rosenberg, 701 Clematis Street, West Palm Beach, FL 33401.
- *In re: Zantac (Ranitidine) Litigation*, Superior Court of the State of Delaware, Plaintiffs' Steering Committee, Honorable Vivian L. Medinilla, 55 The Green, Dover, DE 19901, PH: 302-739-4155
- *Razak v. Uber Techs., Inc.*, CIVIL ACTION NO. 16-573 – Pennsylvania Uber Black Class Action., Eastern District of PA, Philadelphia Division, Trial counsel. Trial scheduled for Feb. 2024, Honorable Michael M. Baylson, 3810 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106, 267-299-7291

2. Willingness and ability to immediately commit to time-consuming litigation.

I have committed four years of professional work towards litigating claims against Uber. Litigation against Uber has allowed our firm to discover information, documents, and policies that few, if any, law firms have previously uncovered. This information has motivated me to pursue leadership in this MDL with the hopes that we can initiate change and make the Uber platforms a safer place. I am prepared to focus all time required to lead this litigation and resolve all issues in a timely manner. I have experience in large multidistrict litigations and understand the time commitment required to efficiently manage an MDL.

3. Willingness and ability to work cooperatively with other plaintiffs' counsel and defense counsel.

Over the course of my career, I have had the luxury to work closely with most of the attorneys seeking leadership in this MDL. More recently, I have worked closely with Rachel Abrams, Roopal Luhana, Sarah London, Bill Levin, Erin Copeland, Marlene Goldenberg, Brian Abramson, Celine Cutter, Layne Hilton, Andrea Hirsch, Alexandra Walsh, Adam Gomez, Meredith Stratigopoulos, Khaldoun Baghdadi, and others to Petition the JPML to create this MDL and move the litigation forward after its assignment to this Court. I enjoy a collegial relationship with all Plaintiff attorneys seeking leadership in this MDL.

Additionally, throughout our litigation efforts against Uber we have maintained a professional and good working relationship with Uber. Our firm is well known to Uber and the Parties have demonstrated a cooperative working relationship.

4. Access to Resources to prosecute the litigation in a timely manner.

Pulaski Kherkher, PLLC is one of the largest mass tort firms in the country. Our firm understands the significant workforce resources and monetary contributions required to lead an MDL. Pulaski Kherkher is ready to invest funds, legal staff, and attorneys to promote the efficient and effective prosecution of this MDL.

5. Other considerations that qualify counsel for a leadership position.

As referenced above, I have litigated against Uber for four years and have acted as first chair attorney on ten (10) Final Arbitration Trials regarding the employee status of Uber Drivers. Based on information from Uber's counsel, our firm was the first to take a California Uber Driver's claim through final arbitration trial and the first to receive a Final Arbitration Award finding an Uber Driver to be an employee of Uber. Throughout 2024 our firm will continue its litigation efforts against Uber in California, Massachusetts and other states concerning the employee status of Uber Drivers. Uber's counsel has previously discussed with this Court the legal importance of the employee status under the law. Our firm, more than any other, understands these issues and can assist Plaintiffs' Leadership in this area of the law. Moreover, the question of Uber's knowledge concerning an Uber Driver's actions and Uber's control over the Driver will be central to this litigation. Concerning these issues, our firm can provide unique knowledge about Uber's documents, systems, and internal oversight that no other firm applying for Plaintiff's leadership maintains. This information will promote efficiencies in this MDL.

Pulaski Kherkher, PLLC also offers seasoned MDL management experience and MDL trial litigators. Adam Pulaski was previously named a Co-Lead of *In Re: Zantac (Ranitidine) Products Liability Litigation*, MDL No. 2924. Mr. Pulaski understands the resources required to act as Co-Lead in a major MDL and supports my application. Additionally, Steve Kherkher has effectively tried mass tort claims over his career. Mr. Kherkher has obtained many verdicts through trials of mass tort cases including: \$200,000,000 Fen-Phen verdict in 2005; \$46,500,000 verdict against Monsanto in the PCB Pollution Litigation in 2016; \$20,000,000 Sexual Assault trial verdict in 2012; \$12,930,000 mesothelioma verdict in 2010; and other large catastrophic injury verdicts. Mr. Kherkher supports my application and will assist leadership in trial efforts. The knowledge and resources of Pulaski Kherkher, PLLC will benefit the Court and Plaintiffs' leadership in this important case.

6. Support of Plaintiffs' Leadership Group

Based on the foregoing, I believe that I am a qualified candidate for Co-Lead of this MDL and would appreciate this Court's consideration for the position.

However, I work very closely with all of the attorneys applying for Co-Lead of MDL 3084. If this Court is persuaded by the assignments suggested in the Proposed Plaintiffs' Leadership Group, attached hereto as **Exhibit B**, I will support this Court's decision to appoint Co-Leads Abrams, London, and Luhana and dutifully serve as a member of the Plaintiffs' Executive Committee.

Sincerely,



Bret Stanley
Partner
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